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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ALLEGIANT TRAVEL COMPANY, a Nevada  
corporation; ALLEGIANT AIR, LLC, a Nevada  
limited liability company,

Petitioners,

vs.

JASON W. KINZER, an individual,

Respondent.

Case No.: 2:21-cv-01649-JAD-NJK

**ORDER GRANTING**

**PETITIONERS' MOTION TO EXTEND  
TIME TO FILE PROOF OF SERVICE**

**(FIRST REQUEST)**

Petitioners ALLEGIANT TRAVEL COMPANY and ALLEGIANT AIR, LLC (together, "Allegiant"), by and through their attorneys, the law firm of Jackson Lewis P.C., bring the instant Motion to Extend the October 8, 2021 deadline established by the Court (ECF No. 4) for Petitioners to file proof of service on Respondent Jason W. Kinzer of their Application to Confirm Arbitration Award (ECF No. 1) and Motion for Leave to Redact or File Certain Documents Under Seal (ECF No. 2). This Motion is based on the Memorandum of Points and Authorities attached hereto, the pleadings and papers on file herein, and any oral argument the Court allows.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Petitioners filed their Application to Confirm Arbitration Award (ECF No. 1) and Motion for Leave to Redact or File Certain Documents Under Seal (ECF No. 2) with this Court on September 8, 2021. On October 5, 2021, the Court ordered that Petitioners file proof of service of

1 both the Application and Motion by October 8, 2021. ECF No. 4. Petitioners respectfully request  
 2 that the time to file proof of service be extended one week to October 15, 2021.

3 The decision to grant an extension or continuance is within the Court’s sound discretion.  
 4 *F.T.C. v. Gill*, 265 F.3d 944, 954-55 (9th Cir. 2001). Federal Rule of Civil Procedure 6(b)(1)  
 5 provides that when an act must be done within a specified time, the Court “may, for good cause,  
 6 extend the time . . . with or without motion or notice if the court acts, or if a request is made, before  
 7 the original time or its extension expires . . . .” The “good cause” standard “primarily considers the  
 8 diligence of the party seeking the amendment.” *In re W. States Wholesale Nat. Gas Antitrust Litig.*,  
 9 715 F.3d 716, 737 (9th Cir. 2013).

10 Here, good cause exists for extending the deadline for Petitioners to file proof of service.  
 11 *See Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (requests for extensions  
 12 of time made before the applicable deadline has passed should generally be granted in the absence  
 13 of bad faith or prejudice to adverse party; good cause for an extension of time under Rule 6(b) is a  
 14 “non-rigorous standard” that is construed broadly). Petitioners served Douglas Desjardins, Esq.,  
 15 counsel for Respondent Jason W. Kinzer, with copies of the Application and Motion via email on  
 16 October 6, 2021.<sup>1</sup> **Exhibit 1** (“Attachments” section). Mr. Desjardins has confirmed that he will be  
 17 accepting service of the Application and Motion on behalf of Respondent. *See Exhibit 2* (“I will  
 18 have some changes to the motion—but no issue with what [Petitioners] want[.]”) However, the  
 19 parties are still working to finalize the language of the acceptance of service form and expect to  
 20 complete that process early next week.

21 Good cause exists to enlarge the time by which a party may file a document where additional  
 22 time is needed to prepare such document. *See O’Connor v. U.S. I.R.S.*, 698 F. Supp. 204, 205 (D.  
 23 Nev. 1988) (district court granted the plaintiffs’ motion for an extension of time to oppose a motion  
 24 for summary judgment); *Germaine Music v. Universal Songs of Polygram*, 275 F.Supp.2d 1288,  
 25 1301 (district court granted movant’s motion for additional time to oppose a motion for summary  
 26 judgment). That is the case here.

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 28 <sup>1</sup> Mr. Desjardins’s office is located in Washington, D.C. Respondent Kinzer is believed to be a resident of California.

1 Petitioners make this request in good faith and not to delay these proceedings. Therefore,  
2 Petitioners respectfully requests that the Court grant this Motion, and allow Petitioners until  
3 October 15, 2021, in which to file Respondent's acceptance of service of the Application and  
4 Motion, or proof of service of the same.

5 DATED this 8<sup>th</sup> day of October, 2021.

6 JACKSON LEWIS P.C.

7 /s/ Joshua A. Sliker

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14 *Attorneys for Petitioners Allegiant Travel Co.  
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15 **ORDER**

16 Good cause appearing, IT IS HEREBY ORDERED that the motion to extend time  
17 [ECF No. 5] is GRANTED.

18   
UNITED STATES DISTRICT JUDGE

19 October 12, 2021